

THE
DUTY OF CONSTABLES;

CONTAINING

INSTRUCTIONS

TO

CONSTABLES, PETTY CONSTABLES,
HEADBOROUGHES, TYTHINGMEN, &c.

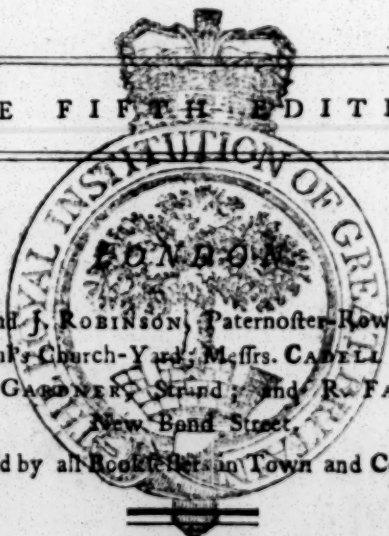
IN THE

SEVERAL PARTICULARS

OF

THEIR OFFICE.

THE FIFTH EDITION.



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TO THE
Magistracy of Great Britain,

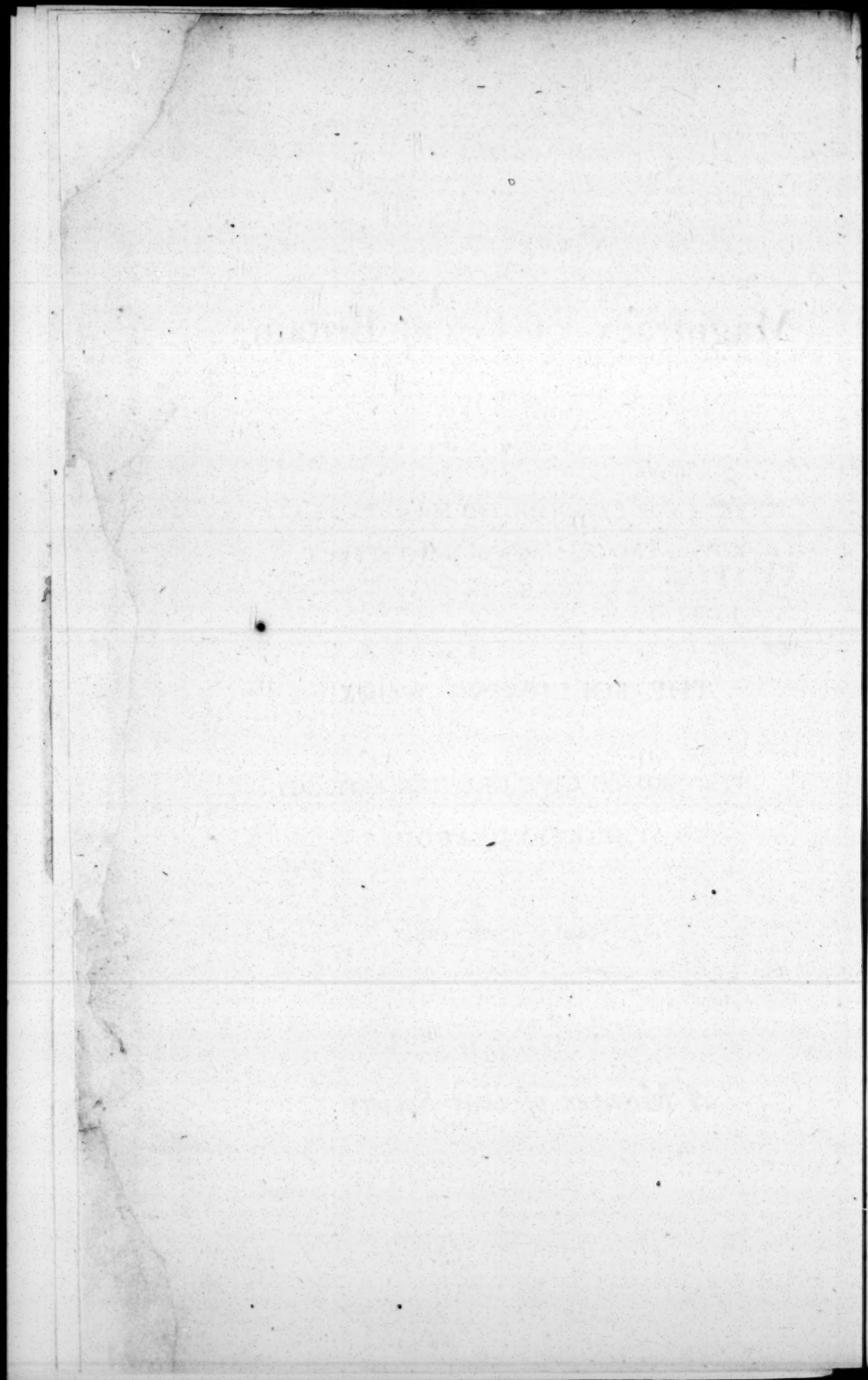
AND TO THE
SOCIETY FOR CARRYING HIS MAJESTY'S LATE
ROYAL PROCLAMATION INTO EFFECT,

THE FOLLOWING WORK,
INTENDED TO GIVE GREATER EFFICACY
TO THEIR ENDEAVOURS,

IS HUMBLY INSCRIBED,

BY

A Member of that Society.



ADVERTISEMENT.

WITHOUT acceding to the strange conjectures concerning the origin of the name and office of **CONSTABLE**, in which some writers of no mean authority have indulged their fancy, we are willing to admit, that he is, or may be, a very useful member of the community: And most **JUSTICES OF THE PEACE** are ready to acknowledge, that much of their success in carrying the Laws into execution depends on the ability, discretion, and activity, of their subordinate Officers. When these qualities are wanting on the part of the Constable, the best exertions of the Magistrate will oftentimes miscarry, and the purposes of the most wholesome laws will be defeated.—It would be of singular advantage to the public, if this were more seriously considered by those in whom the appointment of the Constables is vested.

It

It too often happens, that, in the nomination of persons to this service at the Court Leet, or before the Magistrate, some illiterate person, in a most dependent situation, who has perhaps rendered himself obnoxious to the resentment of the parishioners, is brought forward, accepted, and sworn into this troublesome and invidious office; others are appointed to it in succession; the persons who nominate them not considering whether they have any ability to fill it with credit to themselves, or benefit to the public. What wonder, then, if the Laws lose their efficacy in such hands, and the course of Justice is obstructed?

Complaints of this kind are heard from almost every quarter; and the SOCIETY for carrying his Majesty's late ROYAL PROCLAMATION into effect, has considered this grievance as an object well deserving its attention; and it has directed, that a plain Abstract of the Duty of Constables should be made public; that such of them as are ready to plead ignorance in their excuse, may be better informed, and that the careless may be excited to a proper sense of their duty.

If

If the effect of this publication should be a more effectual preservation of peace, decency, and good order in the community, and a more vigorous enforcement of the Laws, those especially wherein the morals of the people are concerned, the Society will feel itself amply recompensed for the pains here taken, in a matter which appeared to it of very considerable importance to the general welfare.

N. B. It is recommended to Magistrates to direct that these Instructions be put into the hands of every High Constable, Petty Constable, and Tythingman, &c. at the time of their being sworn into their Office; to be charged in the first article of their disbursements.

DIRECTIONS

TO THE

HIGH CONSTABLE,

AT THE TIME OF HIS APPOINTMENT.

* *Mr.*

YOU have been duly elected, and this day have been sworn into the office of High Constable of the hundred, or other division, in which you are appointed to act; and it is proper that you should be made acquainted with the nature and extent of your office; that you may neither think too lightly of it on the one hand, and so be negligent where much activity and vigilance are required; nor may, on the other hand, think too highly of your authority, and thereby be induced to exercise it beyond due bounds, and in an improper manner. It is necessary to give you this caution, because some persons invested with your office, have falsely considered themselves as empowered to grant their licence for such proceedings as no *Justice of the Peace*, duly aware of his duty, would feel himself authorized to grant: Hence an opinion has prevailed, for which there is not the slightest ground, that, under the permission of the High Constable, booths may be erected; Mountebanks may establish themselves in towns; and strolling Comedians may open places for theatrical representations. It is to be hoped, Sir, that *you* have been better

* *The Name of the High Constable to be here inserted by the person who administers the oath.*

B

in-

informed; or that, if you have hitherto entertained such an ill-founded opinion, you will henceforth be assured, that no such privileges as these, which have been thus falsely assumed, are annexed to the office of a High Constable.

Having now been informed, wherein your duty does *not* consist, you are to be made acquainted with what it really is; and if this summary of it does not comprehend every particular, your own attention and experience must fill up what is wanting, as occasions shall present themselves.

In the first place, you have the direction of the petty constables, headboroughs and tythingmen, within your hundred or district. You are appointed, together with the petty constables, to preserve the King's peace, within your precinct; to apprehend felons, rioters, &c.; to make hue and cry after felons; to take care that the watch be duly kept in your hundred; and that the statutes for punishing rogues and vagrants be put in execution.

It is your duty to prevent unlawful gaming, tipling and drunkenness, bloodshed, affrays, &c. You are to execute precepts and warrants directed to you by Justices of the Peace: you are to issue precepts to the petty constables for the appointment of jurors, and for many other purposes, as necessity shall require: you are to make returns to the sessions of the peace of all the articles which concern your office, and also to cause the petty constables to make *their* returns, as often as they are required, and to carry the same to the assizes or quarter sessions, without fee or reward.

It is likewise your duty to receive the duplicates of assessments of the land-tax from the assessors, and to deliver in the same at the quarter sessions on oath.

You

You are to return all victuallers and ale-house keepers who sell liquors without being licensed, and are to admonish persons that entertain inmates, who are likely to be charged to the parish.

You are to present the faults of petty constables, headboroughs, &c. who neglect to apprehend rogues, vagrants, and idle disorderly persons; and to execute warrants against mothers of bastard children, likely to become chargeable to the parish; and, in general, against persons of a dangerous description, suspected of felony, and other enormous offences.

You are likewise to present all defects of highways and bridges, and the names of those who ought to repair them; the surveying of bridges being often, though not necessarily, an appendage to your office. You are to present—scavengers, who neglect their duty,—all common nuisances in streets and highways,—bakers, who sell bread under weight, or adulterated by improper mixtures;—brewers, who sell beer to unlicensed ale-houses; forestallers*, regrators†, ingrossers‡, &c.

At every Quarter sessions, and sooner if required, you are to pay into the hands of the treasurer of the county-stock such sums of money as have been levied and received by you, whether under the authority of a general county rate, or otherwise;

* Those who buy or bargain for any corn, cattle or other merchandize by the way, as they come to fairs or markets to be sold, before they are brought thither, to sell the same again, at a higher and greater price, are called *Forestallers*.

† Those who buy and sell any wares or victuals in the same market or fair, are styled *Regrators*. The statute 5 and 6 Edw. VI. describes them to be such, as buy or get into their hands grain, fish, butter, cheese, pigs, poultry, &c. brought to a market or fair to be sold there, and sell the same again in the same fair, market, or place, or in some other within four miles thereof.

‡ Those who get into their hands large quantities of such food as is necessary for man's subsistence, to sell the same again at an exorbitant rate, are called *Ingrossers*.

to be added to the public stock for repairing bridges, gaols, and houses of correction, &c. Out of such money as may be in your hands, you are to discharge the order of the Justices of the Peace within your hundred for the payment of the petty constable's reward for apprehending vagrants, and other reasonable charges ; and for conveying such vagrants towards the place of their legal settlement ; and every sum so paid by you will be allowed in your account by the treasurer of the county. And you ought to be told, that by the 17 George II. respecting vagrants, you are liable to pay 20s. to be levied by one Justice in your division on your goods and chattels by distress, for refusing or neglecting to pay to the petty constable such reward on demand, and on his producing the proper vouchers, when allowed by a Justice.

It is true, however, that where you have not money in your hands, sufficient to pay the expenses of maintaining and conveying vagrants, &c. a subsequent act of 26 George II. directs, that the *Treasurer* shall pay the same to the petty constable, on his producing the certificate, and such other vouchers as are required.

N. B. It is here recommended to the Justices not to appoint a publican to the office of High or Petty Constable ; numberless inconveniences having been found to arise from such appointment.

CONSTABLE's OATH.

YOU shall well and truly serve our Sovereign Lord the King, (and the Lord of this Leet, if sworn in a Court-Leet) in the office of Constable, (Tythingman or Headborough) for the township, (parish, hamlet, or precinct) of _____ for the year ensuing, according to the best of your skill and knowledge : So help you GOD.

DIRECTIONS

DIRECTIONS

TO

PETTY CONSTABLES, &c.

ON BEING SWORN INTO THEIR OFFICE.

A. B.

BEING authorized to take upon you the office of a Constable, Headborough, &c. and having *sworn* to discharge it faithfully, according to the best of your skill and knowledge, you are to consider yourself, in all your conduct, while you remain in it, as acting under the obligation of a solemn oath.

It is concluded, that you are such as the law requires you to be, *apt and fit* for the execution of your office:—Now this supposes, that you have *honesty* to execute your office truly, without malice, affection, or partiality: That you have *knowledge** sufficient to direct you what you ought to do, when properly instructed in the nature of your duty:—And that you have *ability*, as well in substance or estate, as in body, that you may attend upon and execute your office diligently, and not neglect your duty, either through want or bodily inability.

This important office is very imperfectly discharged, and often very disgracefully neglected, when it falls into the hands of those who succeed

* No one should ever be appointed to the office of Constable, who has not learnt to *read*, so as to be capable of understanding the different nature of the papers put into his hands; and even they who *can* read, if it be with difficulty, would be much benefited by having this tract read to them by some intelligent neighbour.

to it by rotation, without having the qualifications just mentioned; or who, in consideration of a trifling emolument, undertake what they are totally unable to perform.—But it is time to inform you, what is your power and duty, when once invested with your office.

Your authority within your town, tything, borough or village, is, in general, the same with that of the High Constable within his hundred or franchise.

You are to keep the peace in the High Constable's absence; and are to assist him in making presentments of whatever ought to be presented at the Assize and quarter sessions:—what these are, you will see, by referring yourself to the High Constable's Charge, page 3; and by looking forward to the article Presentment, page 21.

You are the immediate and proper officers to Justices of the Peace; and are bound, as such, to execute with readiness and dispatch, and without disputing, all warrants, summonses, and precepts received by you from the magistrates, where they have jurisdiction, and the warrants are lawful; or such as are sent to you from the High Constable of your district: on failure herein, you may be indicted and fined. You are in general to preserve the peace and good order of your parish or constablewick, by every means in your power; and when called upon either to quell or to prevent any breach of the peace, you must immediately attend on the spot, and use your utmost diligence therein, and are punishable for neglect.

You may arrest and carry before a Justice, any one that obstructs and assaults you in the due execution of your office.

If a warrant is directed to you by name, commanding you to execute it, though you are not

compellable to go out of your parish, yet you may, if you will; and shall be justified by the warrant for executing it in any place in the county; but if the warrant be directed to all constables and generally, the constable of the parish wherein the offender is, may most properly execute it.

If any person, against whom you have a warrant, goes into another county, you must not execute the warrant there, until it is endorsed by a Justice of that county; and to obtain such endorsement, you, or some one with you, must swear to the hand-writing of the Justice who first granted the warrant. You must then carry the offender before a Justice of the same county, who will either admit him to bail, or direct you to take him back into your own county, as the case may require. Only be careful, if he be bailed, that you bring away the recognizances with you, and forthwith deliver them to the Clerk of the Peace of your own county.

You must carefully preserve all warrants for your own justification; but you should always let the Justice know what has been done in the execution of them.

[No. 1.] Affrays.

You are to command *Affrayers* to keep the peace *Coke, 3 Inst. 158.* and depart.

You may break into a house, where there is an *Affray*, to keep the peace, and may make fresh pursuit, when necessary, into another county.

The law has armed you with great powers, as well for your assistance, as for your safety and protection. You may command all persons to assist you, to prevent a breach of the peace: You will be justified in repelling force by force, if any one
assaults

assaults you in the due execution of your office ; though gentle means, unless in a case of necessity and for self-preservation, are by all means recommended.

Any opposition to you in the execution of your office is always severely punished by the courts ; and in case of death, that which would be construed only manslaughter against a common person, would, if committed against you, be deemed wilful murder ; and so solicitous is government to maintain the authority of your office, that a man was lately executed for causing the death of a constable, though some very palliating circumstances appeared in his case ; and very powerful interest was exerted in his favour.

You may, without a warrant, take into custody, any whom you have just cause to suspect of felony, or whom you *see* breaking the peace, and may take them to a place of confinement, or keep them in your own house : but you may not in general arrest any one without a warrant, for any offence *not committed in your presence*, except felony ; and when once in your custody, you should not dismiss the prisoner at your own discretion.

In general, it may be necessary to caution you, not to detain any person in custody longer than necessity requires ; but to carry him or her, as soon as conveniently can be, before a Justice, to be dealt with according to law.

If, in an affray, any person be desperately wounded, you may arrest the offender, and carry him before a Justice ; and you may pursue *Affrayers* into any other franchise or county ; but being there, you are only an assistant to the Constables of that county.

[No. 2.] Alehouses.

You are to execute warrants on persons keeping *Alehouses* without licence, or licensed *Alehouse-Keepers* selling less than measure; not conniving at any irregularity or disorder, through favour, interest, or partiality. 17. c. 9.
11 & 12 M.
c. 15.

You are frequently to visit these *Alehouses*, at such times as it is proper that the doors should be shut; viz. a little before divine service, and, if you have suspicions, sometimes in the time of divine service; and in an evening, about ten o'clock in the summer, and nine o'clock in the winter; and at such hours as the Justices of the division shall respectively order public houses to be shut up for the night:—You shall see those rules and orders observed, which the Justices have directed, for preserving peace and good order in the said houses; and you are to make a faithful report, when called upon, to the Justices; always remembering the terms of your oath, to execute your office *truly*.

[No. 3.] Bakers.

You are to levy penalties, under the Justice's warrant, on *Bakers* making or selling bread, deficient either in weight or goodness; or any way offending against those salutary laws which have been made respecting this essential article of subsistence; and you are to be careful to return the money, as directed. 30 G. 2. c. 39.
13 G. 3. c. 62.

[No. 4.] Bastards.

You are to apprehend the mothers of *Bastard Children*, that are likely to become chargeable to
C the

the parish, when a warrant is obtained from a Magistrate at the request of the parish officers for that purpose: And if, having a warrant to apprehend the reputed father of a *Bastard-Child*, you wilfully or negligently suffer him to escape, you may be bound over to the Sessions, and there indicted, fined, and imprisoned.

[No. 5.] Bawdy-Houses.

You may, with a search-warrant, and with proper assistance, enter *Bawdy Houses*, to arrest persons with lewd disorderly women; and having found them, you are to carry them before a Justice, who will bind them over to their good behaviour.

5 G. 2. c. 6.

On notice given you in writing, by two inhabitants, paying scot and lot, that they are ready to produce evidence against any person for keeping a *Bawdy-House*, *Gaming-House*, &c. you are to attend them to a Justice, who will bind both them and you to prosecute such person with effect;—and you will be allowed all reasonable expences of such prosecution, to be paid by the overseers of the poor; and a reward of 10l. each, will be moreover paid to the said inhabitants.

If you refuse to attend such inhabitants to the Justice, you are liable to forfeit 20l.

[No. 6.] Billeting.

See S O L D I E R S.

[No. 7.] Carriages for Soldiers.

2 G. 3. c. 11.

You are to provide *Carriages* on the marching of *Soldiers*, having received orders from a Justice
of

[11]

of the peace, and may demand 1s. per mile of the officers for a waggon, and 9d. per mile for a cart; not obliging any waggoner to carry above twenty hundred weight.

If you are at a greater expence than is before allowed for providing *Carriages*, you are to be reimbursed by the Treasurer of the county.

[No. 8.] Coroner.

On receiving a precept from the *Coroner* for 4E. 1. f. 2. that purpose, you are, with the assistance of the constables in the neighbouring townships, to return a competent number of good and lawful men of your townships, to appear before him in such a place, and to make an inquisition touching the matter, on which the *Coroner* hath had notice to attend.

[No. 9.] Courts of Session and Assize.

It is a considerable part of your duty, under the directions of the high constable or bailiff of the hundred, to preserve quietness, order, and decency, in the *Courts of Justice*, where you are required to attend for that very purpose. Your negligence herein occasions a great obstruction to the proceedings of the court; and you are liable to be punished for your inattention to your duty, at the discretion of the Judges or Magistrates who preside there.

[No. 10.] Customs.

You are to be assisting to all persons appointed by the King for the collecting and management of the *Customs*, and to persons who have a warrant to

G. 2. c. 35.

make search for goods, that have not paid the proper duties ; for which purpose you may enter into any house in the day-time, and if resisted may break open doors, having demanded entrance in the King's name as constable; but you will remember, that you may be made responsible for what you shall have done on this occasion.

You may take up persons lurking about the sea coast, and suspected of being concerned in smuggling goods, and carry them before a Justice, to be sent to the house of correction, if he thinks it necessary.

[No. 11.] Deserters.

² G. 3. c. 11.
⁴ G. 3. c. 8.

You are empowered to take up any person suspected of *Desertion*, and to bring him before a Justice; and will be entitled to 20s. reward for apprehending him, if the suspicion prove true; to be paid by the collector of the land-tax, on warrant from a Justice.

N. B. You may cause it to be known, that any person harbouring, concealing, or assisting a *Deserter*, forfeits 5l.

[No. 12.] Distillers.

³ & ⁴ W. & M.
^{c. 15.}
¹⁰ & ¹¹ W. 3.
^{c. 4.}

You are to be assisting the officers of excise in entering the houses of *Distillers*, suspected of using unlawful stills, or of being guilty of any illegal practices.

[No. 13.] Distresses.

² W. & M.
^{sess. 2. c. 5.}

In taking *Distresses*, you are to assist the landlord, or person distraining for rent; and may cause the goods

goods to be appraised, and sale made, if satisfaction be not given for the same in five days.

In all cases of *Distress* and sale, by virtue of a warrant from a Justice of the Peace, you are carefully to avoid any wanton or improper exercise of your own authority*: you are to have as tender a regard to the property of your neighbour as possible; that it may not be carelessly or mischievously abused, nor sold for less than its real value.

You are to cause the goods to be appraised, according to the best skill and understanding of the appraiser, and afterwards sell the same for the best price that can be got, reserving the overplus for the use of the owner, and paying the same into his or her hands.

[No. 14.] Drunkenness.

It is your duty to do all that is in your power to discourage the ruinous vice of *Drunkenness* within your parish. Indeed, all Constables, Churchwardens, Aleconners, and Sidesmen, are engaged to present this offence, and also all unlawful loitering at a public-house for the purpose of tippling and drinking.

[No. 15.] Elections.

At any *Election Poll*, where you are required to attend, you are to do all in your power to preserve

* There is need of this caution, because it has been frequently known, that the Constable, either being a friend to the landlord or creditor, or being himself an interested party, has by his own authority made a forcible entry on the premises, made his own estimate of the value of the goods found thereon, and sold them at his own time, and at his own price, to the utter ruin of the helpless debtor.

peace and good order in the conduct of the poll: you are, without any partiality, alike to assist all persons going to poll for either candidate; and also use your utmost endeavours to assist and secure their return from the Hustings.

[No. 16.] *Escape.*

Dalton.

16 G. 2. c. 31.

Your permitting a felon to *escape* before he is arrested, is a misdemeanour, for which you may be indicted and fined. But if he be actually taken and in custody, and you voluntarily suffer him to *escape*, or to kill and destroy himself, it is felony in you: but if the *Escape* is by negligence, or involuntary, or if the felon destroys himself unawares to you, you are only subject to a fine: yet that fine may be such, as you may wish you had had the prudence to endeavour to avoid.

You may pursue an offender making an *Escape* into another county, and bring him back to the Justice of the Peace. If any person aids a prisoner to escape from your custody, when you are conducting him to prison, by virtue of a warrant of commitment for treason or felony, he is guilty of felony, and liable to be transported for seven years.

[No. 17.] *Excise.*

13 G. 2. c. 23,
&c.

You will be often called upon, and must always be ready, to give your assistance to the officers of *Excise*, who can only in the day-time, without your presence, enter the premises of suspected offenders, for the discovery of frauds: If a door is to be broken open, and entry to be made in the night-time, it must be done only in your presence.

You

You are also to levy the penalties on offenders against the *laws of Excise* by distress, &c.

[No. 18.] Executions.

You may expect to be occasionally called forth to attend the last moments of expiring Criminals: On all such occasions, you are to use your utmost endeavours to keep up the solemnity of that awful scene. You are to endeavour to suppress all indecent behaviour in the spectators, who are but too apt to consider as a holiday-shew, what is really the most serious exhibition in the world.

[No. 19.] Felony.

You may put a felon in the stocks, and lock him in: or you may put irons on him, or pinion him, if you see it necessary, to prevent an escape when about to carry him before a Justice, or to gaol. 27 E. 2. 13.

Where a felony has been committed, you cannot discharge a person arrested on suspicion of felony: It being a principal part of your duty to apprehend felons, you may call other persons to your aid, and carry suspected persons before a Justice of the Peace to be examined.

You may search houses, in which it is suspected that felons are concealed, or goods stolen: but it will be for your greater security to act herein under a Justice's warrant.

If felons or murderers be in your town or village, and you have notice of it, you are to command assistance and apprehend them; and afterwards, it is your duty to see them conveyed to gaol.

If

If a felon absconds, you are to seize and make an inventory of his goods; you are also to raise hue and cry after him, and give notice to the next constable, &c. And if he is apprehended in another county, he must be carried before a Justice of that county wherein he is taken, and committed to gaol there, and not in the county where the fact was done.

[No. 20.] Fires.

Such of you as are constables in large towns, it is but too probable may be called upon to assist at *Fires*, in order to prevent the depredations that are most inhumanly committed in such seasons of distress: Your activity and watchfulness on such occasions, as well as your assistance in putting out the fire, and causing the people to work, will be very praise-worthy, and will not be unrewarded: your negligence, and much more your connivance at any act of plunder, would be unpardonable.

[No. 21.] Forcible Entry.

15 R. 2. c. 2. When houses and lands are *entered into by violence*, and *detained by force*, and you are called upon to assist the Justices in removing the force, or in carrying the offenders to goal; if you refuse, you may be yourself committed and fined.

[No. 22.] Game.

5 A. c. 14.
3 G. c. 11. You may carry higglers, innkeepers, &c. before a Justice, having in their custody hares, pheasants, partridges, or other game, contrary to law

law; if such persons shall buy or sell or offer any such to sale.

You may carry any person, not qualified, before a Justice, for keeping greyhounds, setting dogs, &c.

[No. 23.] Gaming Houses.

You are to give notice to the High Constable, that he may lay before the Magistrates, at their general licensing, an account of all publicans who suffer skittles, nine-pins, or unlawful games, to be used in their premises; and you are to be ready, when called upon by two inhabitants, to prosecute Gaming-Houses, according to the statute 25 G. II. c. 36. recited in No. 5. § 2.

[No. 24.] Gaol.

You may, by warrant, sell the offender's goods ^{3 J. c. 10.} to defray the charge of carrying him to *Gaol*. ^{4 Ed. 3. c. 19.}

If the *Gaoler* refuses to receive a felon, or one suspected of felony, you may secure the prisoner in your own house, or carry him back to the town where apprehended; and the town shall be chargeable for the keeping of him till the next gaol delivery, when the gaoler shall be punished.

[No. 25.] Hawkers, &c.

You are to assist in putting the laws in execution ^{25 G. 3. c. 78,} against *Hawkers and Pedlars*, travelling without licence, on pain of forfeiting 10l. for your neglect herein.

[No. 26.] Hedgebreakers.

43 *Eliz. c. 7.*

You are, for the first offence, which will be expressed in the warrant, to whip persons convicted of *Hedge-breaking*, robbing of orchards, &c. when committed to you by warrant from a Justice for that purpose; which if you neglect to do, the Justice may commit you without bail, till the offender is whipped. You may apprehend persons having in their possession bundles of wood, poles, rails, posts, &c. suspected to be stolen; and you are the rather required to be strict in your duty in this matter, because though *wood-stealing* may appear to be a trifling offence, it is not only very injurious to private property, but is an introduction to other greater acts of dishonesty, and leads to the most serious and alarming consequences.

[No. 27.] Highways.

13 *G. 3. c. 78.*

You are to return lists of persons nominated at the vestry for surveyors of the *Highways*, within three days after the meeting, to some Justice in the division, to be inspected by him previous to the special sessions, to be held yearly in the week next after the Michaelmas general quarter sessions.

[No. 28.] Hue and Cry.

3 *E. c. 1.*

27 *Eliz. c. 13.* You may raise a *Hue and Cry*, for the pursuing and apprehending of an offender where a felony is committed, and he flies for the same: this is commonly made, where a robbery has been committed on the highway.

On

On the felon's being described, and information being given you which way he is gone, you are to call upon the parishioners to assist you in the pursuit in your precinct: and if the offender be not there, you are to give notice to the next constable, and so on. The first constable to take an inventory of the felon's goods, in the presence of his neighbours.

[No. 29.] Jurors.

At Michaelmas sessions yearly, you are to deliver in, in open Court, if not done by the constables of the hundred, a true list in writing, containing the names and places of abode (with their titles and additions) of all persons within your constablewick between 21 and 70 qualified to serve on *Juries*, by having in their own names, or in trust for them, within the same county where the issue is to be tried, 10l. a year of freehold or copyhold lands, or 20l. a year leasehold. This list you must first take to a Justice of Peace, unsigned; you must sign or subscribe it in his presence; and must swear to the truth of it before him; which the Justice must attest, before it be produced in open Court, and a copy of it you are to put up against the church door.

[No. 30.] Land-Tax.

You are, if required, to assist in gathering the *Land-Tax*; and where payment is refused, by warrant from commissioners, to take distress; and in the day-time, you may justify breaking open houses to distrain goods.

[No. 31.] Malt.

2 & 3 Ed. 6.
c. 10.

You may be called upon to attend and assist the revenue officers, in certain cases respecting the duties on *Malt*; when they have reasonable ground to suspect that there are any fraudulent practices respecting the making or mixing the same.

[No. 32.] Measures and Weights.

3 H. 6. c. 5.
11 H. 7. c. 4.

Your duty is to assist Aleconners, Sidesmen, &c. in making frequent and diligent enquiries concerning the use of lawful *Measures and Weights*; of the former in the public houses, and of both in the several shops within your parish; and having found unlawful weights and measures, you are to seize the same, and carry them to a Magistrate, that the offending parties may be dealt with as the laws have directed.

[No. 33.] Militia.

26 G. 3. c. 107.

You, with the High Constable and all other Peace officers, shall be aiding and assisting to his Majesty's Lieutenants, and their Deputy Lieutenants and Justices to the utmost of your power in the execution of all acts relating to the *Militia*.

You are to return just and true lists of persons liable to serve in the *Militia*, which, when drawn out, you are to stick up against the door of your parish-church, and you may be punished by fine and imprisonment for any neglect or fraud or wilful partiality therein.

[No. 34.] Night-Walkers.

5 E. 3. c. 14.

You are authorized by the common law to take up *Night-Walkers* of ill fame, and to carry them before a Justice of the Peace, who may bind them to good

good behaviour : But it has been held, that they must be found by you in some respect or other guilty of a breach of the peace, or in some unlawful act.

[No. 35.] Pillory.

When you are called upon to give your assistance and preserve the peace, while an offender is standing on the *Pillory*, you are to do your utmost to prevent any outrage from taking place; you are not to connive at persons wounding and abusing such offender, the punishment of the *Pillory* being rather a punishment of great and lasting infamy, than intended for personal suffering.

[No. 36.] Players.

You may take up as vagrants, all common ^{17 G. 2. c. 5.} *Players* of interludes, jugglers, &c. wandering about your parish, and performing entertainments of the stage without licence. Your diligence herein will entitle you to the approbation of every friend to good order, and especially those that wish well to the lower orders of the people.

[No. 37.] Presentment.

You are required to make *Presentment* on oath at the Quarter Sessions and Assizes, of all things within your knowledge against the peace; as affrays, drunkenness, gaming-houses, felonies, forestallers, (see p. 4) nuisances, disturbers of the peace, false weights and measures, rescues, &c. You are to make your enquiry and presentment, make your returns, and present them to a Justice to sign, and then

then carry them to the High Constable, who makes oath that he received them from the petty constable.

The form of the presentment must be of this sort :

The presentment of A. B. constable of
in the county of made at
the general Quarter sessions of the peace, held for
the said county the day of in
the year

The said A. B. says, and presents upon his oath, that C. D. of the parish of
in the county of aforesaid
does at this time keep, and has for the space of one month past kept, an unlawful gaming house in the parish of viz. He has permitted servants, apprentices, and labourers, to play at cards, dice, and other games, prohibited by law, to the great encouragement of vice, and disturbance of the neighbourhood there.

The said A. B. likewise presents upon his oath, that E. F. of the said parish of
has lately carried out offensive materials, and filth, into the highways, which are a common nuisance to the parish, and an annoyance to travellers.

The said A. B. also presents G. H. to be a common disturber of the peace. To this you may add the presentment of any notorious offence within your cognizance.

[No. 38.] Riot.

27 R. 2. c. 8. You are to suppress all *Riots*, and you may by
1 Hawk. 159. your own authority commit *Rioters*, at least till
you can safely convey them to a Justice.

If twelve or more persons unlawfully and riotously assemble, a Justice, Sheriff, Mayor, or other head officer of any town corporate, on notice of such

such assembly, shall come as near them as he can with safety, and make the following proclamation:

Our Sovereign Lord the King charges and commands all persons assembled, immediately to disperse themselves, and peaceably depart to their habitations, or lawful business, on pain of imprisonment, or the penalties inflicted by the act made in the first year of the reign of King George I. for preventing tumults and riotous assemblies.

If within an hour after this proclamation is made, the rioters do not disperse; or if they hinder the proclamation, or him who makes it, it is felony without benefit of clergy; and you with proper assistance may seize and carry them before a Justice.

[No. 39.] Robbery.

If a *Robbery* on the highway is committed, and damages have been recovered against the hundred, and a tax is set by two Justices on the hundred, your duty is to levy the same within your parish, within 30 days after the order for levying it is received.—You are required, on receiving notice of a robbery within your precinct, with the utmost speed to make fresh *Hue and Cry*, (see No. 28) after the felon, on pain of forfeiting 5l. for every refusal or neglect.

[No. 40.] Soldiers.

Your duty is to billet or quarter *Officers* and *Soldiers* in inns, alehouses, livery stables, and all houses selling brandy, strong waters, cyder, &c. by retail, and no other. You are to do your duty herein according to your best judgement without partiality, and without any unnecessary delay.

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You are to take no reward to excuse any person, under a penalty of 40s. or not less than 10s.; and persons liable to be quartered upon, and refusing, are liable to pay 5l. or not less than 40s.

[No. 41.] Summons.

See WARRANT.

[No. 42.] Sunday.

2. Car. c. 1.

29. Car. 2. c. 7.

You, as well as other parish officers, are to take care, as much as in you lies, that the SABBATH be not profaned. You, with the church-wardens, are to levy the penalties as directed by the magistrate, on such as use pastimes, games or plays, on a SUNDAY; to be applied to the use of the poor; or to take care that the offenders be set in the stocks at the Justices' discretion.

You, as well as the church-wardens, are to give information to the magistrate, of all drovers with cattle travelling through your parish, and all drivers of stage-waggon, and all persons exercising their trades on the LORD'S DAY. You are to see that shops be not opened, nor any worldly calling pursued on the SABBATH, except works of necessity and charity. You are further to carry into effect, such orders and regulations of Justices, as shall from time to time be made within their jurisdiction, for the better keeping the Sabbath Day holy.

You may apprehend and carry before a Justice, persons who disturb a minister in his preaching, praying, or administering the sacrament.

No. 43.

[No. 43.] Swearing.

This vice, which is a scandal to a Christian 19 G. 2. c. 21. country, a due exertion of your office might prove the means of checking, and by degrees that reformation might be produced by the fear of punishment, which the commands of the Supreme Being, alas! are too weak to effect. One caution, however, you are to observe: If any person, unknown to you, swears in your hearing, you are to lay hold on the offender, and carry him before a magistrate, that, on your oath, he may be convicted:—If he be known to you, you are to give information to the magistrate, that the offender may be summoned and convicted.

If you neglect to perform your duty herein, you forfeit 40s.

[No. 44.] Tithes.

By warrant from two Justices, you are to levy sums due for the payment of *small Tithes*, by distress and sale of the goods and chattels, of the person refusing to make such payments, with costs, to the amount of 10s.

[No. 45.] Vagrants.

You are to apprehend *Vagrants* of every description, so mischievous and dangerous to society, and carry them before a Justice.—If directed by him to whip them, before you convey them either towards, or to the place of their legal settlement, you are to do your duty herein, *effectually*, without either merciless severity, or ridiculous lenity. 17 G. 2. c. 51

Vagrancy is an offence too big with mischief to be treated with indifference:—Your duty, there-

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fore, is to give such as are convicted of it, *due* correction, if they are not sent to the House of Correction; and then to convey them, if their settlement is in another county, to the first district or town in the next county; deliver them to the constable, and take his receipt, as a certificate of your due performance of your service herein, and as the ground of your demand of the reward from the High Constable, for apprehending and conveying them. But by 32 G. 3, c. 56, no reward will be paid you, till the rogue and vagabond shall have been punished, either by whipping or imprisonment, for, at least, seven days, and till the examination be transmitted to the Sessions. By rogues and vagabonds, who are of a very numerous tribe, you will understand, in general, such as lie in barns, and out-houses, or in the open air, without employment; such as are found wandering and begging, without any apparent endeavours to gain an honest livelihood by useful labour.

You are required to keep a watchful eye upon these, and all strangers of suspicious appearance strolling about, especially at unseasonable hours in the night, and refusing or unable to give a good account of themselves; and it is your duty to give information of all persons harbouring *Vagrants*, that they may be convicted of such offence.

Your suffering a *Vagrant*, whom you have in charge, under a pass-warrant, to escape, subjects you to a penalty* of 20l.

[No. 46.] Warrant.

You are carefully to distinguish betwixt a *Warrant* and a *Summons*, because your duty is very

* This Escape so frequently happens, that the attention of the Magistrates to this penal clause of the statute would be found of great service to the public.

different in the different cases.—When a *Summons* is delivered to you, you have done your duty, if you have made the contents known to the party, against whom it is granted, and have attended yourself at the time and place set forth in the *Summons*, to acquaint the Justice of the Peace, who granted it, what you have done respecting it. It is necessary that you should always attend the Justice at the time appointed by him in the *Summons*; as, in many instances, when the party does not appear, your evidence that the summons was duly made, enables the Justice to proceed in the same manner as if the party had personally appeared.

When you have a *Warrant* to execute, the case is otherwise.—You are then, without delay, to apprehend and bring the offender before the Justice who granted it, if it be *specially* mentioned; or otherwise before some other Justice of the county*, *at your own discretion*; to hold him in custody till he is discharged from your care, by an immediate acquittal before the magistrate, or till you shall have delivered him into the custody of the gaoler, there to be safely detained, till he is released from thence by due course of law.

It may be satisfactory to you to be informed, that you are required *every three months*, and within 14 days after you go out of your office, to deliver to the overseers of the poor of the parish or precinct, a just account in writing, fairly entered in a book to be kept for that purpose, and signed by you, of all sums expended by you on account of the parish, in all cases not otherwise provided for by law; and also of all sums received by you on account of the

* Though this power is given to the constable; yet he is not to indulge his own humour, in the choice of a magistrate in a distant situation, to the great inconvenience of the parties concerned.

parish:—The balance of your account, if allowed, shall be paid you by the overseers, within 14 days after delivery; but if disallowed, and delivered back to you, you may, on giving reasonable notice to the overseers, produce the book before a Justice, who shall examine the same, and hear objections, and settle the sum, which to him shall appear due, which being entered and signed by his name, the overseers shall pay; but the overseers, if aggrieved, may appeal to the next general or quarter sessions.

CONCLUSION.

Having now laid before you the most essential parts of your duty, and the best methods of executing it, it remains that I earnestly exhort you almost in the very words of a late respectable Magistrate, strictly to attend to these instructions in every particular. To this you are bound by your oath, and by every tie of common prudence. The safety of your neighbours, the confidence placed in you by the laws of your country, and above all, conscience towards God, unite in requiring it at your hands. If a robbery or murder should be the consequence of your neglect, or even disorders of a less alarming nature, can you hope to be forgiven by God or men? Can you ever forgive yourselves for abusing the trust reposed in you, or for not having made the best use of the power, with which you have been invested by the laws of the land? Put this question frequently to yourselves, and it will certainly rouse you to an active discharge of your duty. Indeed, self-interest, to which none of us are apt to be inattentive, will make you resolve on doing your utmost for the public good. For if you vigorously execute the laws during your time, though it should be only for a year or two, you will leave a much easier task to your successors, who will not only be better enabled, but strongly encouraged to follow your good example; and thus, in a short time, every man, and yourselves among the rest, may go about your business, or betake yourselves to your repose with greater security. Besides, your good conduct will give dig-
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nity to your office while you hold it, and procure you the lasting respect of all good men.

I intreat you therefore, as you regard the peace and safety, the lives and properties of your fellow subjects, as you reverence the laws of your country, as you wish to live respected; and when you die to meet with that solemn approbation, *Well done, good and faithful servant*, I beseech you to be diligent, active, and honest, in the discharge of your duty.

Your negligence cannot now take refuge under the plea of ignorance. I have plainly laid before you what is required and expected from you. If you will not do it, the shame and the guilt, together with the penalties of the laws, will be upon your own head.

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